



From: McCray, Dre
Sent: Friday, April 05, 2002 4:18 PM
To: Watson, Catherine
Cc: Franciene Gill; Kathleen Hawk; Linda Murphy; Robert Moretti
Subject: Paul Rogers Investigation

REDACTED

Attached is the Paul Rogers Investigation Summary. If you have any questions or need clarification please give me a call.

Thanks, <<Paul Rogers.doc>>

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April 4, 2002

To: Catherine Watson
Manager, Fair Employment Practices

Re: Paul Rogers Complaint Investigation Summary

From: Dre McCray

On March 29 Paul Rogers, the Steeplegate mall Office Manager informed Dre McCray, the Regional HR Manager that he was being harassed because of his sexual orientation by Rick Bartlett, the District Manager of the Manchester District in Region 10.

The complaint alleges that Rick Bartlett has applied different standards of conduct and performance to Paul Rogers than he has applied to other Office Managers. Mr. Rogers alleges that this is a direct result of his sexual orientation.

As a result of this complaint an investigation was conducted by Kathy Hawk, the Assistant Regional Director and Dre McCray.

According to Mr. Rogers the following occurred:

- Mr. Bartlett was informed the last week in January that associates in the Fort Eddy office were badmouthing Mr. Rogers and the Steeplegate office. The content of the badmouthing was unknown. The associate who committed the badmouthing was unknown.
- Mr. Bartlett stated to Mr. Rogers that he would speak to Barbara Dimond regarding the matter once he was informed of the situation. Neither Ms. Dimond nor Mr. Bartlett can recall whether a conversation regarding this matter took place in January.
- Mr. Rogers stated that he revisited the situation the last week in February because several associates resigned during that week. He again asked Mr. Bartlett if there had been any resolution to the matter because Cindy Daigle called his office inquiring about available hours.
- On March 6 Mr. Bartlett instructed Ms. Dimond to give Cindy Daigle a warning based on the information available to him at the time. Mr. Bartlett learned from Mr. Rogers that it was Cindy Daigle who was badmouthing Mr. Rogers on a visit to Steeplegate on March 5. Ms. Dimond gave Cindy Daigle an oral warning on March 8 after 9 PM. Ms. Dimond contends that the warning was not based on sexual harassment, however on the corrective action form it states that "reports of slander" were addressed. Mr. Bartlett also states he believed that the warning given was based on the slanderous remarks made regarding Mr. Rogers. Mr. Rogers also states that he spoke with Ms. Dimond on the evening of March 8 prior to 9pm to discuss Cindy Daigle and to request that she stop calling his office and making slanderous remarks. Mr. Rogers made this call after learning the content of the negative remarks that were made. Mr. Rogers later that evening emailed Frank Digiore regarding the matter. Mr. Digiore informed Mr. Rogers that this could be "deemed sexual harassment" and that he would bring this to Mr. Bartlett's attention.
- On March 9 Mr. Digiore informed Mr. Bartlett of the Internet discussion with Mr. Rogers. Mr. Bartlett informed Mr. Digiore that it was being resolved.
- On March 12 Mr. Bartlett received a letter from Jeanne Call informing him of unprofessional conduct by Mr. Rogers. The letter alleges that Mr. Rogers referred to the CSC as "the one with the big boobs", and that he ran into the mall hallway to ask a mall customer to ask the CSC out on a date. Mr. Bartlett confirmed the incident with Kim Allen (the CSC in question) and subsequently on March 14 gave Mr.

Rogers a corrective action after conferring with the Regional HR Manager. Ms. Allen also stated during her interview with Dre McCray and Kathy Hawk that Mr. Rogers constantly made jokes and references to her chest and that he was very unprofessional. She also stated that Mr. Rogers tried to coach her prior to the interview and instructed her to say that he was very professional. Ms. Allen stated that Mr. Rogers also stated that Mr. Bartlett was going to lose his job because of this incident and made references to this incident on several occasions.

- On March 29 Mr. Rogers informed the regional office that no action was taken regarding the comments made about Mr. Rogers. Dre McCray contacted Mr. Bartlett and Mr. Bartlett stated that the issue had been addressed. Dre McCray requested all documentation regarding the incident and proceeded to investigate the matter with Kathy Hawk.
- On April 1 Kathy Hawk and Dre McCray interviewed Ms. Dimond who stated she did give an oral warning to Cindy Daigle but failed to document the warning until March 20. She also stated she did not have knowledge that the warning was regarding sexual harassment but she did have knowledge that it was regarding negative comments about Mr. Rogers and the Steeplegate office. She also stated that she told Mr. Rogers that she did not reprimand Ms. Daigle for sexual harassment

Elaine Alperin was also interviewed and stated that Ms. Daigle said that Mr. Rogers was flagrantly homosexual and flaunts it and that is why Ann Marie Parr left Steeplegate. Ms. Alperin told this information to Mr. Rogers when asked.

Helen Giarratana stated that Ms. Dimond informed her that Ms. Daigle had a problem with Mr. Rogers's sexual orientation. She also stated that Ms. Daigle never mentioned anything regarding her regarding Mr. Rogers. Ms. Giarratana also stated that Mr. Rogers also showed her the letter he wrote to Mr. Bartlett and tried to get her to agree to a statement he attributed to her. She denies telling Mr. Rogers that Ms. Daigle made any comments about him.

Frank Digiore and Debbie Landry were also interviewed. Statements were made that it can be perceived that Mr. Bartlett has treated Mr. Rogers differently. Mr. Rogers has been a poor performer and many issues pertaining to conduct and performance by Mr. Rogers have been addressed by Mr. Bartlett. However, Mr. Digiore has also stated that he has addressed many of the performance issues related to Mr. Rogers also. Issues include, not shaving, wearing a tie, missing OM meetings, and submitting reports in a timely manner. Mr. Bartlett has also addressed these issues with other Office Managers.

- On April 3 Cindy Daigle was interviewed. She stated that she only repeated what Ms. Parr stated regarding Mr. Rogers. She also stated that Barbara did give her an oral warning on March 8. She also questioned Ms. Giarratana and Ms. Alperin about their statements to Mr. Rogers on March 9 after she received her oral warning. When questioned Ms. Daigle stated that Ms. Alperin replied that Mr. Rogers asked what Ms. Daigle had said and she answered. Ms. Daigle stated according to Ms. Parr, Ms. Parr left Steeplegate because Mr. Rogers continually had boyfriends coming to the office and he was always flirting with everyone in the mall.

Ann Marie Parr stated during her interview that Mr. Rogers is sensitive and that he treated the CSC's poorly. She also stated that he spoke to her in a demeaning manner and that she disliked the way she was treated. She said that she left because of the treatment. Ms. Parr stated that Ms. Daigle asked her if Mr. Rogers was gay. Ms. Parr denied making any derogatory remarks about Mr. Rogers.

Kim Allen also was interviewed. She states that Mr. Rogers was very unprofessional. She says he also tried to coach on her April 2 regarding the investigation. Ms. Allen states that Mr. Rogers continually had conversations of a sexual nature in front of clients. Ms. Allen states that Ms. Daigle said that she (Ms. Allen) doesn't want to work at Steeplegate because everyone is leaving. Ms. Allen also states that Ms. Alperin told her that Ms. Daigle said that she (Ms. Alperin) should not work at Steeplegate because Mr. Rogers is gay.

- Mr. Bartlett denies any allegations that he has treated Mr. Rogers differently because of his sexual orientation. Mr. Bartlett contends that once he was informed of the content or the remarks made about Mr. Rogers that he took immediate action and instructed Ms. Dimond to give a corrective action. He also states that all of the counseling that Mr. Rogers received was because of legitimate performance reasons. He instructed Mr. Rogers to shave because he looked unprofessional. He chastised Mr. Rogers for not attending OM meetings because Mr. Rogers did not inform him that he would not attend. He delivered a corrective action to Mr. Rogers because he made inappropriate comments toward another associate. He instructed Mr. Rogers to wear a tie because that is company policy. Mr. Bartlett also states that Mr. Rogers has demonstrated unprofessionalism and has performed poorly as a OM.